

WSR 24-22-030

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed October 28, 2024, 7:13 a.m., effective November 28, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-125 WAC, Farm milk storage tanks and bulk milk tanker—Requirements, by clarifying current rule language by replacing all gender-specific pronouns with modern gender-inclusive pronouns.

Citation of Rules Affected by this Order: Amending WAC 16-125-010, 16-125-030, 16-125-120, and 16-125-210.

Statutory Authority for Adoption: RCW 15.36.020, 43.01.160.

Adopted under notice filed as WSR 24-17-092 on August 19, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 4, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 25, 2024.

Derek I. Sandison
Director

OTS-5737.1

AMENDATORY SECTION (Amending WSR 99-18-032, filed 8/25/99, effective 9/25/99)

WAC 16-125-010 Definitions. (1) "Director" means the director of the department of agriculture, or (~~his/her~~) their duly authorized representative.

(2) "Bulk milk hauler" means the licensed dairy technician who has primary responsibility for the measuring, weighing, or grading of milk and the collection of samples at the farm.

(3) "Bulk milk hauling" means the transportation of milk or milk products from the producer to a milk processing plant or between milk processing plants, by vehicles belonging to an individual or corporation operating under a bulk milk hauler's license.

(4) "3A standards" means current sanitary standards for dairy equipment and accepted practices as published in the *Dairy Food and Environmental Sanitation* magazine of the International Association of Milk, Food and Environmental Sanitarians (IAMFES).

AMENDATORY SECTION (Amending WSR 99-18-032, filed 8/25/99, effective 9/25/99)

WAC 16-125-030 Installation. Before any person installs a new tank or relocates a used tank, (~~he or she~~) they must file drawings and detailed information about where and how the milk storage tank is to be installed with the director. There must be a minimum of two feet clearance between the sides of the tank and the walls of the milkhouse or other permanent equipment and a minimum of three feet on the working side of the tank and at the outlet valve. Adequate additional space necessary for normal milkhouse operations must be provided. There must be at least 30 inches clearance between the top of the pouring tank lip and the ceiling. Adequate space must be provided above the tank to accommodate the measuring rod.

Provisions of the National Bureau of Standards' Handbook 44 Code on Farm Milk Tanks as adopted under chapter 19.94 RCW applicable to installation and use shall be applicable.

AMENDATORY SECTION (Amending WSR 20-17-020, filed 8/6/20, effective 9/6/20)

WAC 16-125-120 Bulk milk tanker requirements. All bulk milk tankers operating in the state of Washington must comply with the provisions of 3A standard 05-14. Additional requirements are:

- (1) Trucks and trailers with remote pumps, mounted on tractor or front trailer, and a system of external hoses and/or piping may be used: Provided, that
 - (a) External flexible hoses meet the following requirements:
 - (i) Hoses are the thick walled rubber type and meet 3A standards 18-01, 62-01 and 63-01 except for pump box hoses.
 - (ii) Hoses are capped with a sanitary cap when not in use.
 - (b) Piping along the length of the trailer is of the fixed type and meets the following requirements:
 - (i) The pipe is stainless steel and meets the requirements of 3A standards 63-02 and 33-01. Other materials may be used if they are approved by the Milk Safety Branch of the Food and Drug Administration.
 - (ii) The sanitary piping is enclosed in an insulated holder and both the sanitary piping and the holder are capped with a dust tight cap when disconnected.
 - (c) Sanitary air that meets the requirements of 3A standard 64-04 may be used to remove residual milk from the external piping system.
 - (d) Any milk in the external piping system that exceeds (~~forty-five~~) 45 degrees Fahrenheit is discarded.
 - (e) Adequate facilities must be provided at all receiving stations for the proper cleaning and sanitizing of tankers including the external lines and valves.
- (2) All external valves on a tanker must be provided with a means of protection against dust, dirt, and road debris.
 - (a) Outlet valves must be protected by dust tight covers that will comply with 3A standard 05-14.
 - (b) Inlet valves and valves with attached hoses must be protected by a relatively dust tight cover. This cover may be:
 - (i) Stainless steel with an opening for the connection of hoses that is sealed with a flexible material that will prevent the entrance of dust, dirt, or road debris.

(ii) A flexible mounting made of rubber or other approved material that is close fitting, smooth, impervious, and easily removable for cleaning.

(iii) Any other cover for which plans have been submitted to and approved by the director.

(c) All valves not connected to hoses must have a sanitary cap and an approved dust cover on them.

(3) Markings on each truck or trailer must be sufficient to identify the owner of the truck or trailer.

(4) Cleaning and bactericidal treatment of all product contact surfaces including valves, hoses, covers, connections, appurtenances, pumps, and pump compartment of each tanker, when used, must be accomplished at least once every (~~twenty-four~~) 24 hours after first use. If the tanker is not used for hauling milk for (~~seventy-two~~) 72 hours after cleaning and sanitizing it must be sanitized again before it may be used for hauling milk. After sanitization each tanker must be tagged to show the date washed, place washed, and initials or signature of the person who washed the tanker. This wash tag must not be removed until the tanker is rewashed. It shall be the responsibility of the bulk milk hauler to ensure that the wash tag is present and that the tank is in fact clean prior to commencing (~~his~~) their route.

(5) Bulk milk tankers must meet the requirements under chapter 15.130 RCW and the rules adopted thereunder for transportation of food.

AMENDATORY SECTION (Amending WSR 99-18-032, filed 8/25/99, effective 9/25/99)

WAC 16-125-210 Recording thermometer—Operation. (1) Milk and milk products for consumption in the raw state or for pasteurization must be cooled to (~~forty~~) 40 degrees F or lower within two hours after completion of milking and maintained at that temperature until picked up: Provided, that the blend temperature after the first and subsequent milkings may not exceed (~~fifty~~) 50 degrees F.

(2) In making a milk pick-up, the licensed grader and sampler must:

(a) Remove the chart from the recorder before the chart has lapsed;

(b) Mark the date and time of pick-up;

(c) Sign the chart;

(d) Date and install a new chart, if necessary;

(e) File the completed charts under protected conditions, provided for by the producer, unless they are taken to the purchaser's premises for (~~his~~) their review.

(f) If the charts are taken from the dairy farm, they must be returned within (~~ten~~) 10 days from the date they were taken: Provided, that subject to the approval of its members and the department, a pooling agent, processing plant, receiving plant or regular place of business may file the recording thermometer charts at its place of business.

(g) The official milk temperature must be taken with an accurate, properly calibrated thermometer.

(3) The temperature recording charts may be used for more than one pick-up: Provided, that all the pick-ups occur within the maximum time interval of the chart. When the chart is used for more than one pick-up, the licensed grader and sampler must identify each lot of milk with the date, time of pick-up and ~~((his/her))~~ their signature.

(4) Before removing milk from a farm bulk tank, the licensed grader and sampler must check the recording chart. If the licensed grader and sampler finds milk temperature variations extending beyond the legal limits, ~~((he/she))~~ they must immediately notify the producer, or in the absence of the producer, an employee, and the producer's marketing agent. The licensed grader and sampler must sign the chart noting the date, time, stick reading and indicate that a temperature infraction has occurred. The producer's marketing agent must notify the department of agriculture of temperature standard violations detected through the official milk quality testing program. Temperature standard violations reported to the department will become part of the producer's official record.

(5) Except as otherwise provided in subsection (2) of this section, recorder charts must be held at the dairy farm for ~~((ninety))~~ 90 days and be made available to the director.